

REMARKS

Claims 1-29 are pending in the application and stand rejected.

Interview Summary

The Applicants thank the Examiner for conducting the telephonic interview to discuss the rejection of claim 1 under 35 U.S.C. § 112, second paragraph. As suggested by the Examiner, claim 1 has been amended to recite “A pneumatic tire having an inner and an outer side in a state where the tire is mounted on a vehicle.”

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

It is believed that no petition or fee is required.

Claim Rejections - 35 U.S.C. § 112, second paragraph

Claims 1-28 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants submit that present amendment to claim 1 obviates this rejection.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 15, 20, 22-24, and 29 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Japan 004 (JP 03-220004) in view of Boiocchi et al. (US Publication 2002/0139460).

In the Amendment filed April 8, 2010, Applicants argued that the Examiner’s proposed combination of Japan 004 and Boiocchi would not have rendered claim 1 obvious, because the

proposed combination did not disclose a rib disposed at the shoulder land part row of the axially inner side.

In response to this argument, the Examiner alleges that Boiocchi discloses a shoulder land part row comprising both a continuous track and transverse grooves. Further, the Examiner alleges that “[p]roviding Japan 004’s shoulder land part row of the axially inner side such that it comprises a rib fails to preclude oblique grooves. In other words, the Examiner is alleging that the shoulder land portion in Japan 004 may be modified to include *both* a rib and oblique grooves.

FIG. 2 of Boiocchi discloses that shoulder region 8 comprises a row of blocks 20, such that each block are joined at one end to form a continuous annular track 22. The Examiner alleges that this continuous annular track 22 corresponds to the rib recited in independent claim 1.

In response, Applicants submit the Examiner has failed to establish *prima facie* obviousness because the applied references teach away from the Examiner’s suggested combination. In particular, Japan 004 discloses oblique grooves which extend from a tread end to the tread central portion. Japan 004 touts the benefits of having grooves which extend from the tread central portion to the tread ends. These grooves have an oblique herringbone shape. See page 4, line 21-page 5, line 1 of the translation of Japan 004 supplied by the Examiner. Japan 004 indicates that these oblique grooves provide a major influence on steering stability, and throughout the reference, the use of oblique grooves is clearly cited for their beneficial properties. Because Japan 004 indicates that the oblique groove is desired to stretch from the tread end to the tread central portion, adding a continuous annular track, which blocks the groove from stretching to the tread central portion goes against the express teaching of the reference.

Conversely, Boiocchi discloses that a continuous annular track 22 prevents the grooves 21 from reaching the tread central portion 4. See FIG. 2 of Boiocchi. Boiocchi also discloses that the grooves 21, which terminate at the continuous annular track 22, and sipes 23, are each substantially straight, not directed at an oblique angle. Additionally, the tire of Boiocchi does not have a directionality, and thus, there is no suggestion or motivation for forming the inner edge of the tread with the rib. Furthermore, it is essential for the transversal grooves formed in the rib of Boiocchi to extend beyond the inner edge of the tread to discharge the water existing in the ground contact area of the tread. Therefore, Boiocchi teaches away from terminating the transversal grooves within the rib to make the rib solid as recited in claim 1.

Thus, the Examiner's conclusion that one of ordinary skill in the art would modify the shoulder land part row of the axially inner side Japan 004 in accord with by Boiocchi is unsupported because Japan 004 teaches away from the type of grooves disclosed by Boiocchi.

Second, even if the references could be combined as suggested, they fails to disclose a “pneumatic tire having an inner and an outer side in a state where the tire is mounted on a vehicle comprising **a rib that forms an edge of the inner side of the pneumatic tire,**” as recited in claim 1.

Rather, Boiocchi's continuous annular track is positioned at the portion of the axially inner shoulder land part row which is opposite to the edge of the tread, not positioned at the edge of the tread as recited in claim 1.

Further, to the extent that any of the applied references cited in the instant Office Action show a rib positioned at the edge of the tread at the axially inner side of the tire, each of these references teach away from a combination with Japan 004. As noted above, Japan 004 desires to have oblique herringbone shaped grooves which extend to a tread end at the axially inner side.

Accordingly, placing a rib at the tread end would frustrate this purpose and destroy the functionality of the tire disclosed in Japan 004.

Therefore, claim 1 is allowable for at least those reasons set forth above. Additionally, because claim 29 recites similar features, claim 29 is allowable for the same reasons set forth above. Lastly, claims 15, 20, and 22-24 should be patentable at least by virtue of their dependency from proposed amended claim 1.

Claim Rejections - 35 U.S.C. § 103

Claim 2 is rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Japan 004 in view of Boiocchi et al. as applied above and further in view of Takasugi et al. (US Patent 5,358,021).

Claim 2 depends from amended claim 1. Because the Examiner's proposed combination of Japan 004 and Boiocchi fails to render amended claim 1 obvious, and because Takasugi fails to cure the deficiencies noted with respect to amended claim 1, claim 2 is patentable at least by virtue of its dependency from amended claim 1.

Claim Rejections - 35 U.S.C. § 103

Claims 3 and 5 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Japan 004 in view of Boiocchi et al. as applied above and further in view of Japan 408 (JP 03-186408) and Takigawa et al. (US Patent 4,214,618).

Claims 3 and 5 depend from amended claim 1. Because the Examiner's proposed combination of Japan 004 and Boiocchi fails to render amended claim 1 obvious, and because Japan 408 and Takigawa each fail to cure the deficiencies noted with respect to amended claim 1, as noted above, claims 3 and 5 are patentable at least by virtue of their dependency from amended claim 1.

Claim Rejections - 35 U.S.C. § 103

Claims 4, 6, 7, and 8 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Japan 004 in view of Boiocchi et al. and further in view of Japan 408 and Takigawa et al. as applied above and further in view of Japan 511 (JP 2002-225511) and Japan 107 (JP 62-059107).

Claims 4 and 6-8 depend from amended claim 1. Because the Examiner's proposed combination of Japan 004 and Boiocchi fails to render amended claim 1 obvious, and because Japan 408, Takigawa, Japan 511 and Japan 107 each fail to cure the deficiencies noted with respect to amended claim 1, as noted above, claims 4 and 6-8 are patentable at least by virtue of their dependency from amended claim 1.

As noted above with respect to claim 1, to the extent that any of Japan 408, Takigawa, Japan 511 or Japan 107 discloses a narrow rib disposed at the inner edge of the tread, each of these references teach away from a combination with Japan 004 because disposing a rib at the inner edge of the tread would frustrate the purpose of the oblique grooves disclosed in Japan 004, rendering the tread in Japan 004 unfit for its intended purpose. Thus, claims 4 and 6-8 are patentable for reasons independent of their dependency from claim 1.

Claim Rejections - 35 U.S.C. § 103

Claims 9-12 and 26 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Japan 004 in view of Boiocchi et al. and further in view of Japan 408 and Takigawa et al. as applied above and further in view of Europe 104 (EP 810104) and Emerson (US Patent 5,421,387) and newly cited Adam et al. (US Patent 5,211,781).

Claims 9-12 and 26 depend from amended claim 1. Because the Examiner's proposed combination of Japan 004 and Boiocchi fails to render amended claim 1 obvious, and because

Japan '408, Takigawa, Europe '104, Emerson and Adam fail to cure the deficiencies noted with respect to amended claim 1, claims 9-12 and 26 are patentable over the applied art.

Claim Rejections - 35 U.S.C. § 103

Claims 13, 14, and 28 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Japan 004 in view of Boiocchi et al. as applied above and further in view of German 159 (DE 3738159).

Claims 13, 14 and 28 depend from amended claim 1. Because the Examiner's proposed combination of Japan 004 and Boiocchi fails to render amended claim 1 obvious, and because German '159 fails to cure the deficiencies noted with respect to amended claim 1, claims 13, 14 and 28 are patentable over the applied art.

Claim Rejections - 35 U.S.C. § 103

Claims 16 and 17 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Japan 004 in view of Boiocchi et al. as applied above and further in view of Europe 405 (EP 1,074,405).

Claims 16 and 17 depend from amended claim 1. Because the Examiner's proposed combination of Japan 004 and Boiocchi fails to render amended claim 1 obvious, and because Europe 405 fails to cure the deficiencies noted with respect to amended claim 1, claims 16 and 17 are patentable over the applied art.

Claim Rejections - 35 U.S.C. § 103

Claim 17 is rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Japan 004 in view of Boiocchi et al. as applied above and further in view of Takashi (WO 02/102611) or Japan 321 (JP 11-334321).

Claim 17 depends from amended claim 1. Because the Examiner's proposed combination of Japan 004 and Boiocchi fails to render amended claim 1 obvious, and because Takashi and/or Japan 321 fails to cure the deficiencies noted with respect to amended claim 1, claim 17 is patentable over the applied art.

Claim Rejections - 35 U.S.C. § 103

Claims 18 and 27 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Japan 004 in view of Boiocchi et al. as applied above and further in view of newly cited Europe 101 (EP 849101).

Claims 18 and 27 depend from amended claim 1. Because the Examiner's proposed combination of Japan 004 and Boiocchi fails to render amended claim 1 obvious, and because Europe 101 fails to cure the deficiencies noted with respect to amended claim 1, claims 18 and 27 are patentable over the applied art.

Claim Rejections - 35 U.S.C. § 103

Claim 19 is rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Japan 004 in view of Boiocchi et al. as applied above and further in view of newly cited Canada 627 (CA 2,083,627).

Claim 19 depends from amended claim 1. Because the Examiner's proposed combination of Japan 004 and Boiocchi fails to render amended claim 1 obvious, and because Canada 627 fails to cure the deficiencies noted with respect to amended claim 1, claim 19 is patentable over the applied art.

Claim Rejections - 35 U.S.C. § 103

Claim 21 is rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Japan 004 in view of Boiocchi et al. as applied above and further in view of newly cited Japan 406 (JP 56-131406).

Claim 21 depends from amended claim 1. Because the Examiner's proposed combination of Japan 004 and Boiocchi fails to render amended claim 1 obvious, and because Japan 406 fails to cure the deficiencies noted with respect to amended claim 1, claim 21 is patentable over the applied art.

Claim Rejections - 35 U.S.C. § 103

Claim 25 is rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Japan 004 in view of Boiocchi et al. as applied above and further in view of Japan 915 (JP 2002-192915).

Claim 25 depends from amended claim 1. Because the Examiner's proposed combination of Japan 004 and Boiocchi fails to render amended claim 1 obvious, and because Japan 915 fails to cure the deficiencies noted with respect to amended claim 1, claim 25 is patentable over the applied art.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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